

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

WILLIE LOUIS LONDON,)	
)	
Plaintiff,)	
)	
v.)	CV425-129
)	
STATE FARM FIRE AND)	
CASUALTY COMPANY,)	
)	
Defendant.)	

ORDER

Defendant moves to stay discovery pending the Court’s resolution of its pending Motion to Dismiss. Doc. 9. Plaintiff has not filed a response within the time to do so, indicating a lack of opposition. *See* S.D. Ga. L. Civ. R. 7.5; *see generally* docket. Therefore, the Motion is ripe for review.

A court has “broad discretion” in determining whether to grant a stay of discovery. *Rivas v. The Bank of New York Mellon*, 676 F. App’x 926, 932 (11th Cir. 2017). The Eleventh Circuit has recognized that it is appropriate for the Court dispose of “[f]acial challenges to the legal sufficiency of a claim or defense, such as a motion to dismiss based on failure to state a claim for relief,” before the parties engage in costly and

potentially unnecessary discovery. *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1367-68 (11th Cir. 1997).

When “deciding whether to stay discovery pending resolution of a pending motion, the Court inevitably must balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery.” *SP Frederica, LLC v. Glynn Cnty.*, 2015 WL 5242830, at *2 (S.D. Ga. Sept. 8, 2015) (internal quotation marks omitted) (quoting *Feldman v. Flood*, 176 F.R.D. 651, 652 (M.D. Fla. 1997)). In evaluating stays of discovery pending resolution of dispositive motions, “a court must take a preliminary peek . . . to assess the likelihood that the motion will be granted.” *Taylor v. Jackson*, 2017 WL 71654, at *1 n. 2 (S.D. Ga. Jan. 6, 2017) (quoting *Sams v. GA West Gate, LLC*, 2016 WL 3339764, at *6 (S.D. Ga. June 10, 2016)). “[A] stay should be granted only where the motion to dismiss appears, upon preliminary review, to be clearly meritorious and truly case dispositive.” *Sams*, 2016 WL 3339764, at *6. “[A] request to stay discovery pending a resolution of a motion is rarely appropriate unless resolution of the motion will dispose of the entire


case.” *CSX Transp., Inc. v. United States*, 2014 WL 11429178, at *1 (S.D. Ga. May 30, 2014) (citing *Feldman*, 176 F.R.D. at 652).

Upon preliminary review, Defendant’s Motion to Dismiss does not appear to be wholly meritless, *see Arriaga-Zacarias v. Lewis Taylor Farms, Inc.*, 2008 WL 4544470, at *2 (M.D. Ga. Oct. 10, 2008) (granting a stay of discovery deadlines when a motion to dismiss is not “meritless on its face”), and a ruling on the motion could be case dispositive. Defendant has demonstrated good cause for a stay. Therefore, the Court **GRANTS** Defendant’s Motion to Stay Discovery, doc. 9. If any claims remain pending, and unless otherwise instructed by the District Judge, the parties are **DIRECTED** to confer and submit a Rule 26(f) Report within 14 days of the District Judge’s disposition of the Motion to Dismiss.

Finally, the Court observes that Plaintiff has requested an extension of time to file the parties’ Rule 26(f) Report. Doc. 10. Given the direction above, the parties will have an opportunity to submit a 26(f)

Report once the Defendant's Motion is resolved. The Clerk is **DIRECTED** to terminate Plaintiff's Motion, doc. 10, as moot.

SO ORDERED, this 24th day of June, 2025.



CHRISTOPHER L. RAY
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA